

# Calendar No. 646

117TH CONGRESS  
2D SESSION

# S. 4246

To direct the Secretary of Transportation to establish a pilot program to provide grants related to advanced air mobility infrastructure, and for other purposes.

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## IN THE SENATE OF THE UNITED STATES

MAY 18 (legislative day, MAY 17), 2022

Mr. PADILLA (for himself and Mr. MORAN) introduced the following bill; which was read twice and referred to the Committee on Commerce, Science, and Transportation

DECEMBER 14, 2022

Reported by Ms. CANTWELL, with amendments

[Omit the part struck through and insert the part printed in italic]

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## A BILL

To direct the Secretary of Transportation to establish a pilot program to provide grants related to advanced air mobility infrastructure, and for other purposes.

1       *Be it enacted by the Senate and House of Representa-*  
2       *tives of the United States of America in Congress assembled,*

3       **SECTION 1. SHORT TITLE.**

4       This Act may be cited as the “Advanced Aviation In-  
5       frastructure Modernization Act” or the “AAIM Act”.

1   **SEC. 2. ADVANCED AIR MOBILITY INFRASTRUCTURE PILOT**

2                   **PROGRAM.**

3               (a) ESTABLISHMENT.—Not later than 180 days after  
4   the date of enactment of this Act, the Secretary shall es-  
5   tablish a pilot program to provide grants that assist an  
6   eligible entity to plan for the development and deployment  
7   of infrastructure necessary to facilitate AAM operations,  
8   locally and regionally, within the United States.

9               (b) PLANNING GRANTS.—

10              (1) IN GENERAL.—The Secretary shall provide  
11   grants to eligible entities to develop comprehensive  
12   plans under paragraph (2) related to AAM infra-  
13   structure.

14              (2) COMPREHENSIVE PLAN.—

15              (A) IN GENERAL.—Not later than 1 year  
16   after receiving a grant under this subsection, an  
17   eligible entity shall submit to the Secretary a  
18   comprehensive plan, *including the development*  
19   *of potential public use and private vertiport in-*  
20   *frastructure*, in a format capable of being pub-  
21   lished on the website of the Department of  
22   Transportation.

23              (B) PLAN CONTENTS.—The Secretary  
24   shall establish content requirements for com-  
25   prehensive plans submitted under this sub-

section, which shall include ~~not~~ less than 1 of the following as many of the following:

(i) The identification of planned or potential *public use and private* vertiport locations.

(ii) A description of infrastructure necessary to support AAM operations.

(iii) A description of types of planned or potential AAM operations and forecast for proposed vertiport operations, including estimates for initial operations and future growth.

(iv) The identification of physical and digital infrastructure required to meet any standards for vertiport design and performance characteristics established by the Federal Aviation Administration (as in effect on the date on which the Secretary issues a grant to an eligible entity), including modifications to existing infrastructure and ground sensors, electric charging or other fueling requirements, electric utility requirements, wireless and cybersecurity requirements, fire safety, perimeter secu-

1                   rity, and other necessary hardware or soft-  
2                   ware.

3                   (v) A description of any hazard asso-  
4                   ciated with planned vertiport infrastruc-  
5                   ture, such as handling of hazardous mate-  
6                   rials, batteries, or other fuel cells, charging  
7                   or fueling of aircraft, aircraft rescue and  
8                   firefighting response, and emergency plan-  
9                   ning.

10                  (vi) A description of potential environ-  
11                  mental effects of planned *or potential* con-  
12                  struction or siting of vertiports.

13                  (vii) A description of how planned *or*  
14                  *potential* vertiport locations, including new  
15                  or repurposed infrastructure, fit into State  
16                  and local transportation systems and net-  
17                  works, including—

18                   (I) connectivity to existing public  
19                   transportation hubs and intermodal  
20                   and multimodal facilities;

21                   (II) opportunities to create new  
22                   service to rural areas and areas un-  
23                   derserved by air transportation; **or**

24                   (III) opportunities to utilize ex-  
25                   isting aviation infrastructure, such as

airports and heliports, for AAM operations; or

(viii) A description of how vertiport planning will be incorporated in State or metropolitan planning documents.

10 (ix) The identification of the process  
11 an eligible entity will undertake to ensure  
12 an adequate level of engagement with any  
13 potentially impacted community for each  
14 planned vertiport location and planned or  
15 anticipated AAM operations, such as en-  
16 gagement with communities in rural areas,  
17 underserved communities, individuals with  
18 disabilities, or racial and ethnic minorities.

1           *rural areas, underserved communities, Tribal  
2           communities, individuals with disabilities,  
3           or racial and ethnic minorities.*

4           (x) The identification of the actions  
5           necessary for an eligible entity to under-  
6           take the construction of a vertiport, such  
7           as planning studies to assess existing in-  
8           frastructure or newly identified areas of  
9           AAM integration, environmental studies,  
10          studies of projected economic benefit to the  
11          community, lease or acquisition of an ease-  
12          ment or land for new infrastructure, and  
13          activities related to other capital costs.

14          (xi) The identification of State, local,  
15          or private sources of funding an eligible  
16          entity may use to assist with the construc-  
17          tion or operation of a vertiport.

18          (xii) The identification of existing  
19          Federal aeronautical and airspace require-  
20          ments that must be met for the eligible en-  
21          tity's planned vertiport location.

22          (xiii) A description of how the eligible  
23          entity will include opportunities for small  
24          business concerns owned and controlled by  
25          socially and economically disadvantaged in-

1                   dividuals to compete, on an equal basis, for  
2                   contracts or subcontracts related to the de-  
3                   sign, development, construction, or oper-  
4                   ation of a proposed vertiport.

5                   (3) APPLICATION.—To apply for a grant under  
6                   this subsection, an eligible entity shall provide to the  
7                   Secretary an application in such form, at such time,  
8                   and containing such information as the Secretary  
9                   may require.

10                  (4) SELECTION.—

11                  (A) IN GENERAL.—In awarding grants  
12                  under this subsection, the Secretary shall con-  
13                  sider the following:

14                  (i) Geographic diversity.

15                  (ii) Diversity of the proposed models  
16                  of infrastructure financing and manage-  
17                  ment.

18                  (iii) Diversity of anticipated or  
19                  planned AAM operations.

20                  (iv) The need for comprehensive plans  
21                  that—

22                  (I) ~~facilitate~~ ensure the safe and  
23                  efficient integration of AAM oper-  
24                  ations into the National Airspace Sys-  
25                  tem;

(II) improve transportation safety, connectivity, and access in both rural and urban regions in the United States;

(III) leverage existing public transportation systems and intermodal and multimodal facilities or newly identified areas of AAM integration;

(IV) reduce surface congestion and the environmental impacts of transportation;

(V) grow the economy and create jobs in the United States; and

(VI) encourage community engagement when planning for AAM-related infrastructure.

(B) PRIORITY.—The Secretary shall prioritize awarding grants under this subsection to eligible entities that partner to applications that capture as many items in paragraph (2)(B) as possible and to eligible entities that collaborate with commercial AAM entities, institutions of higher education, research institutions, or other relevant stakeholders to develop and prepare a comprehensive plan.

(C) MINIMUM ALLOCATION TO RURAL AREAS.—The Secretary shall ensure that not less than 20 percent of the amounts made available under subsection (c) are used to award grants to eligible entities that submit a comprehensive plan under paragraph (2) that is related to infrastructure located in a rural area.

8                         (5) GRANT AMOUNT.—Each grant made under  
9                         this subsection shall be made in an amount that is  
10                        not more than \$1,000,000.

(6) BRIEFING.—

(B) CONTENTS.—The briefing required under subparagraph (A) shall include—

23 (i) an evaluation of all planned or pro-  
24 posed *planned or potential* vertiport loca-  
25 tions included in the comprehensive plans

1 submitted under paragraph (2) and how  
2 such ~~planned or proposed~~ *planned or po-*  
3 *tential* vertiport locations may fit into the  
4 overall United States transportation sys-  
5 tem and network; and

6 (ii) a description of lessons or best  
7 practices learned through the review of  
8 comprehensive plans and how the Sec-  
9 retary will incorporate any such lessons or  
10 best practices into Federal standards or  
11 guidance for the design and operation of  
12 AAM infrastructure and facilities.

13 (c) AUTHORIZATION OF APPROPRIATIONS.—

14 (1) AUTHORIZATION.—There are authorized to  
15 be appropriated to the Secretary to carry out this  
16 section \$12,500,000 for each of ~~fiscal years 2022~~  
17 ~~and 2023~~ *fiscal years 2023 and 2024*, to remain  
18 available until expended.

19 (2) ADMINISTRATIVE EXPENSES.—Of the  
20 amounts made available under paragraph (1), the  
21 Secretary may retain up to 1 percent for personnel,  
22 contracting, and other costs to establish and admin-  
23 ister the pilot program under this section.

24 (d) TERMINATION.—

1                     (1) IN GENERAL.—No grant may be awarded  
2 under this section after ~~September 30, 2023~~ *September*  
3 *September 30, 2024.*

4                     (2) CONTINUED FUNDING.—Funds authorized  
5 to be appropriated pursuant to subsection (c) may  
6 be expended after ~~September 30, 2023~~ *September*  
7 *30, 2024—*

8                         (A) for grants awarded prior to ~~September~~  
9 ~~30, 2023~~ *September 30, 2024*; and

10                         (B) for administrative expenses.

11 (e) DEFINITIONS.—In this Act:

12                     (1) ADVANCED AIR MOBILITY; AAM.—The terms  
13 “advanced air mobility” and “AAM” mean a trans-  
14 portation system that transports individuals or prop-  
15 erty between points in the United States using air-  
16 craft with innovative capabilities, including aircraft  
17 that use 2 or more lift or thrust units to generate  
18 powered lift and control during vertical takeoff or  
19 landing, that may be piloted, remotely piloted, or au-  
20 tonomous, including those powered by ~~electric or hy-~~  
21 ~~brid driven propulsion~~ *alternative propulsion*, in both  
22 controlled and uncontrolled airspace.

23                     (2) APPROPRIATE COMMITTEES OF CON-  
24 GRESS.—The term “appropriate committees of Con-  
25 gress” means the Committee on Transportation and

1       Infrastructure of the House of Representatives and  
2       the Committee on Commerce, Science, and Trans-  
3       portation of the Senate.

4                     (3) COMMERCIAL AAM ENTITIES.—The term  
5       “commercial AAM entities” means—

6                         (A) manufacturers of aircraft, avionics,  
7       propulsion systems, and air traffic management  
8       systems related to AAM;

9                         (B) intended commercial operators of AAM  
10      aircraft and systems; and

11                         (C) intended commercial operators and de-  
12      velopers of vertiports.

13                     (4) ELIGIBLE ENTITY.—The term “eligible enti-  
14      ty” means—

15                         (A) a State, local, or Tribal government,  
16      including a political subdivision thereof;

17                         (B) an airport sponsor;

18                         (C) a transit agency;

19                         (D) a port authority;

20                         (E) a metropolitan planning organization;

21                         or

22                         (F) any combination or consortium of the  
23      entities described in subparagraphs (A) through  
24      (E).

1                             (5) METROPOLITAN PLANNING ORGANIZA-  
2                             TION.—The term “metropolitan planning organiza-  
3                             tion” has the meaning given such term in section  
4                             5303(b) of title 49, United States Code.

5                             (6) RURAL AREA.—The term “rural area”  
6                             means an area located outside a metropolitan statis-  
7                             tical area (as designated by the Office of Manage-  
8                             ment and Budget).

9                             (7) SECRETARY.—The term “Secretary” means  
10                             the Secretary of Transportation.

11                             (8) STATE.—The term “State” means a State  
12                             of the United States, the District of Columbia, Puer-  
13                             to Rico, the Virgin Islands, American Samoa, the  
14                             Northern Mariana Islands, and Guam.

15                             (9) VERTIPORT.—The term “vertiport” means  
16                             a designated location used or intended to be used to  
17                             support AAM operations, including the landing,  
18                             takeoff, loading, taxiing, parking, and storage of air-  
19                             craft developed for AAM operations.

20 **SEC. 3. GAO STUDY AND REPORT.**

21                             (a) *IN GENERAL.*—Not later than 180 days after the  
22                             date of enactment of this Act, the Comptroller General of  
23                             the United States shall—

24                             (1) conduct a study on the interests, roles, and  
25                             responsibilities of Federal, State, local, and Tribal

1       *governments affected by AAM aircraft and operations;*  
2       *and*

3           *(2) submit to the appropriate committees of Con-*  
4       *gress a report on the study, including the Comptroller*  
5       *General's findings and conclusions.*

6       *(b) REQUIREMENTS.—In conducting the study re-*  
7       *quired under subsection (a), the Comptroller General shall*  
8       *review the following:*

9           *(1) The state of the law as of the enactment of*  
10      *this Act with respect to Federal authority over oper-*  
11      *ations of AAM aircraft systems in the national air-*  
12      *space system.*

13           *(2) The state of the law as of the enactment of*  
14      *this Act with respect to State, local, and Tribal au-*  
15      *thority over operations of AAM aircraft in the na-*  
16      *tional airspace system.*

17           *(3) Potential gaps between authorities under*  
18      *paragraphs (1) and (2).*

19           *(4) Proposals to facilitate the safe and finan-*  
20      *cially viable growth and development of the AAM in-*  
21      *dustry and integration of AAM aircraft into the na-*  
22      *tional airspace system.*



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Reported with amendments